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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,977	09/27/2001	Sriram Krishnan	JW-EMC-012	2951
24227	7590	08/15/2006	EXAMINER	
EMC CORPORATION OFFICE OF THE GENERAL COUNSEL 176 SOUTH STREET HOPKINTON, MA 01748			BATURAY, ALICIA	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/964,977

Applicant(s)

KRISHNAN ET AL.

Examiner

Alicia Baturay

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 18-23, 38-43 and 58-63 is/are rejected.
- 7) ☒ Claim(s) 4-17, 24-37 and 44-57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This Office Action is in response to a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), which was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 June 2006 has been entered.
2. Claims 1-63 are pending in this Office Action.

### ***Response to Amendment***

3. Applicant's amendments and arguments with respect to claims 1-63 filed on 10 May 2006 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 19, 20-22, 39-42, and 59-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Johansson et al. (U.S. 2002/0044549).

6. With respect to claim 1, Johansson teaches a computer network having a plurality of nodes each of which has a DDB and one of which should be master node used to maintain contents of the DDB in each of the plurality of nodes consistent throughout the plurality in a manner to avoid a single point of failure, the plurality of nodes including a first master node and a second master node, a system for resolving conflict in the network between the first master node and the second master node comprising:

Means for establishing a standard for comparison between the first master node and the second master node (Johansson, page 8, paragraph 92); means for comparing the first master node against the second master node in accordance with the standard to obtain comparison results (Johansson, page 8, paragraph 93); and, means for selecting the master node from the group of nodes consisting of the first master node and the second master node based on the comparison results (Johansson, page 8, paragraph 94 and page 2, paragraph 18).

7. With respect to claim 2, Johansson teaches the invention described in claim 1, including the system further comprising:

Means for demoting the remaining node in the group to non-master node status as participating node in the plurality of nodes (Johansson, page 8, paragraph 94 and page 2, paragraph 18).

8. With respect to claim 19, Johansson teaches a computer network having a plurality of nodes only one of which should be master node for managing the plurality of nodes in a manner to avoid a single point of failure, the plurality of nodes including a first master node and a second master node, a system for resolving conflict in the network between the first master node and the second master node comprising:

Means for choosing between the first master node and the second master node to obtain the master node (Johansson, page 8, paragraph 94 and page 2, paragraph 18).

9. Claims 20-22, 39-42 and 59-63 do not teach or define any new limitations above claims 1, 2 and 19 and therefore are rejected for similar reasons.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 23 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson and further in view of Quoc et al. (U.S. 6,092,214).

Johansson teaches the invention substantially as claimed including an exemplary scatternet with one maximum connectivity scatternet (MCS) and two traffic scatternets (TS).

The objective of an MCS is to maximize the number of nodes in each piconet in order to spread and maintain information with as few inter-piconet connections as possible, i.e., to minimize the number of forwarding nodes. An MCS can be thought of as an efficient scatternet. Unlike conventional scatternets, an MCS contains information about all of the nodes in the scatternet. This allows for quick path establishment when a search for a destination node is performed. The master of each piconet in the MCS keeps a record of each slave in the piconet stored in a piconet information database (see Overview).

12. With respect to claim 3, Johansson teaches the invention described in claim 1, including means for establishing a standard for comparison between the first master node and the second master node (Johansson, page 8, paragraph 92).

Johansson does not explicitly teach use of a temporal standard.

However, Quoc teaches the system where the comparison standard establishing means establishes a temporal standard (Quoc, col. 7, lines 19-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johansson in view of Quoc in order to enable the use of a temporal standard. One would be motivated to do so in order to allow the nodes to synchronize after coming out of the initialization process.

13. Claims 23 and 43 do not teach or define any new limitations above claim 3 and therefore are rejected for similar reasons.

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14. Claims 18, 38 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson and further in view of Logan et al. (U.S. 5,968,121).

15. With respect to claim 18, Johansson teaches the invention described in claim 1, including means for selecting the master node from the group of nodes consisting of the first master node and the second master node based on the comparison results (Johansson, page 8, paragraph 94 and page 2, paragraph 18).

Johansson does not explicitly teach the nodes existing in differing time zones.

However, Logan teaches the system where the network is globally-dispersed and at least some of the plurality of nodes are located in different times zones from other of the plurality of nodes (Logan, Fig. 2; col. 6, lines 32-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johansson in view of Logan in order to allow for nodes existing in differing time zones. One would be motivated to do so in order to enable nodes at disparate locations to communicate.

16. Claims 38 and 58 do not teach or define any new limitations above claim 18 and therefore are rejected for similar reasons.

*Allowable Subject Matter*

17. The following is an examiner's statement of reasons for allowance: Claims 4-17, 24-37 and 44-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The examiner has found that the prior art of record does not teach, suggest, or render obvious the specific combination of a system where means for determining which one of the first or second master node was most recently selected to obtain a most recently selected master node (major difference in the claims not found in the prior art) if the first and second master node were not selected simultaneously as set forth in the specification and recited in dependent claims 4, 24 and 44.

18. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



***Response to Arguments***

19. Applicant's arguments filed 10 May 2006 have been fully considered, but they are not persuasive for the reasons set forth below.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay  
August 10, 2006

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER